Notice of Allowability	Application No.	Applicant(s)	
	10/030,445	SCHWARZBICH, JORG	
	Examiner	Art Unit	
	Ruth C Rodriguez	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to *04 February 2005*.

2. ☒ The allowed claim(s) is/are *2-21*.

3. ☒ The drawings filed on *08 January 2002* are accepted by the Examiner.

4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☒ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Zernickel discloses a telescopic mechanism comprising an internal element, an external element and bearings between the inner element and external element. The internal element has a flattening at least on one side and the external element is complementary to the internal element and both elements are movable relative to each other in an axial direction. The bearings guide the internal element in the external element and transmit a steering torque between the internal element and the external element. Zernickel use ball bearings. Zernickel fails to disclose the use of roll barrels where at least some of the roll barrels are constructed as hollow elastic bodies that are elastically deformable. Although Hauptman teaches a telescopic mechanism comprises an internal element, an external element and roll barrels that are constructed as hollow elastic bodies that can elastically deform where the roll barrels solely are oriented primarily transverse to the axial direction of movement between the external element and the internal element, Hauptman fails to disclose that the roll barrels can transmit a steering torque between the internal element and the external element Therefore, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the roll barrels being transverse to the axial direction of movement between the external element and the internal element since Hauptman fails to disclose that these roll barrels can transmit a steering torque and Zernickel fails to provide any motivation for the use of roll barrel constructed as hollow elastic bodies that are elastically

deformable instead of the disclosed ball bearings. Additionally, other pieces of prior art have roll barrels constructed as hollow elastic bodies that are elastically deformable but the roll barrels are parallel to the axial direction instead of being perpendicular to the axial direction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Asher (US 3,365,914) and Hauptman (US 3,402,574) discloses a telescoping member having roll barrels that are located in rounded or curved surfaces where roll barrels are perpendicular to an axial direction.

Burke (US 3,757,601) and Grosse-Entrup (US 4,103,514) are cited to show state of the art with respect to telescoping members having roll barrels between two telescoping member where the roll barrels are parallel to the axial direction.

Coyle (US 3,497,890) and Lounsbury, Jr. et al. (US 4,737,216) are cited to show state of the art with respect to how to make roll barrels from blanks.

Lennon et al. (US 5,345,679) is cited to show state of the art with respect to cages for bearings having some of the features being claimed by the current application.

Lieber (US 3,591,906), Egbert (US 3,659,909), Bertalot (US 3,887,155), Hakansson (US 4,898,566), Fabius (US 5,004,203), Farris et al. (US 5,320,374), Pfister (US 6,189,843 B1 and US 6,348,816 B1), Zernickel (US 6,350,203), Senger (US 6,505,969 B2) and Podhajecki et al. (US 6,533,459 B2) are cited to show state of the art with respect to telescoping members having a flat surface and bearings in between two telescoping surfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before and after final communications is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
April 15, 2005

ROBERT J. SANDY
PRIMARY EXAMINER